

Venkat Balasubramani, OSB #180446  
venkat@focallaw.com  
Stacia N. Lay, WSBA #30594 (*Pro Hac Vice*)  
stacia@focallaw.com  
Kimberlee Gunning, WSBA #35366 (*Pro Hac Vice*)  
kim@focallaw.com

**FOCAL PLLC**

900 1st Avenue S., Suite 201  
Seattle, Washington 98134  
Telephone: (206) 529-4827

Clifford S. Davidson, OSB #125378  
csdavidson@swlaw.com

**SNELL & WILMER, LLP**

1455 SW Broadway, Suite 1750  
Portland, Oregon 97201  
Telephone: (503) 624-6800

Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

A.M., an individual,

Case No. 3:21-cv-01674-MO

Plaintiff,

v.

**STIPULATION AND [PROPOSED]  
ORDER REGARDING THE FILING OF  
A SECOND AMENDED COMPLAINT  
AND A STAY OF DISCOVERY**

OMEGLE.COM LLC,

Defendant.

---

This Stipulation is entered into between Plaintiff A.M. and Defendant Omegle.com LLC, through their undersigned counsel of record, and is based on the following facts:

1. On May 26, 2022, Omegle filed a Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to FED. R. CIV. P. 12(b)(6). (*See* Dkt. 33.) The briefing on the Motion to Dismiss is complete and in-person oral argument on the motion is currently scheduled for August 4, 2022. (*See* Dkt. 37.)

2. On July 22, 2022, Omegle filed a Motion to Stay Discovery until the pleadings have closed. (*See* Dkt. 39.) The deadline for the response to the Motion to Stay Discovery has not yet passed, and therefore no response to the motion has yet been filed.

3. The parties conferred by telephone on July 26, 2022, and subsequently by email exchanges, regarding the pending Motion to Dismiss the First Amended Complaint, Plaintiff's proposed Second Amended Complaint, and the Motion to Stay Discovery.

4. Based on the conference of counsel, Omegle has consented to the filing of the proposed Second Amended Complaint, which Plaintiff shared with Omegle via email on July 26, 2022, and which is attached hereto in Appendix 1. As a result of that consent, the parties have additionally agreed that: (a) Omegle will withdraw the pending Motion to Dismiss the First Amended Complaint without prejudice and reserving the right to move to dismiss the Second Amended Complaint; (b) all discovery will be stayed as specified below; and (c) Omegle will withdraw the pending Motion to Stay Discovery.

THEREFORE, the parties stipulate as follows:

1. Pursuant to agreement of the parties and FED. R. CIV. P. 15(a)(2), Plaintiff may file the Second Amended Complaint, attached hereto in Appendix 1, which was provided to counsel for Omegle by email on July 26, 2022.

2. Following the filing of the Second Amended Complaint by Plaintiff, Omegle will file a notice withdrawing the pending Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to FED. R. CIV. P. 12(b)(6) (Dkt. 33) without prejudice, and reserving the right to move to dismiss the Second Amended Complaint.

3. All discovery in this action is stayed until the sooner of:
- (a) 30 days after the ruling on the motion to dismiss the Second Amended Complaint is entered on the docket; or
  - (b) a written opinion on the motion to dismiss the Second Amended Complaint is issued,

provided that in either case, the motion to dismiss is denied with respect to at least one of the claims in the Second Amended Complaint.

4. Omegle will file a notice withdrawing the pending Motion to Stay Discovery (Dkt. 39), without prejudice to the right to seek similar relief in the future should circumstances change.

SO STIPULATED AND AGREED TO BY:

Dated this 28th day of July, 2022.

FOCAL PLLC

SNELL & WILMER, LLP

By: s/ Stacia N. Lay  
Venkat Balasubramani, OSB #180446  
Stacia N. Lay, WSBA #30594 (PHV)  
Kimberlee Gunning, WSBA #35366 (PHV)  
900 1st Avenue S., Suite 201  
Seattle, Washington 98134  
Telephone: (206) 529-4827  
venkat@focallaw.com  
stacia@focallaw.com  
kim@focallaw.com

By: s/ Clifford S. Davidson  
Clifford S. Davidson, OSB #125378  
1455 SW Broadway, Suite 1750  
Portland, Oregon 97201  
Telephone: (503) 624-6800  
csdavidson@swlaw.com

*Attorneys for Defendant Omegle.com LLC*

VOGT & LONG PC<sup>1</sup>

C.A. GOLDBERG PLLC

By: s/ Barbara C. Long  
Barbara C. Long, OSB No. 122428  
1314 NW Irving St. Suite 207

By: s/ Carrie Goldberg  
Carrie Goldberg (PHV)  
Naomi Leeds (PHV)

---

<sup>1</sup> Consent for the e-signature of counsel for Plaintiff was provided via email on July 28, 2022.

Portland, OR 97209  
Telephone: (503) 228-9858  
barb@vogtlong.com

16 Court Street 33rd Floor  
Brooklyn, NY 11241  
Telephone: (646) 666-8908  
carrie@goldberglaw.com  
naomi@cagoldberglaw.com

*Attorneys for Plaintiff A.M.*

**ORDER**

Pursuant to the stipulation of the parties and FED. R. CIV. P. 15(a)(2), it is ordered as follows:

1. Plaintiff A.M. is hereby granted leave to file the Second Amended Complaint, attached hereto in Appendix 1, which was provided to counsel for Omegle by email on July 26, 2022.
2. Upon Defendant's filing of the notice withdrawing the pending Motion to Dismiss Plaintiff's First Amended Complaint (Dkt. 33), the hearing on that motion currently scheduled for August 4, 2022, shall be vacated.
3. All discovery in this action is stayed until the sooner of:
  - (a) 30 days after the ruling on the motion to dismiss the Second Amended Complaint is entered on the docket; or
  - (b) a written opinion on the motion to dismiss the Second Amended Complaint is issued,

provided that in either case, the motion to dismiss is denied with respect to at least one of the claims in the Second Amended Complaint.

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

MICHAEL W. MOSMAN  
SENIOR UNITED STATES DISTRICT JUDGE